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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
ANTONIO MELENDEZ-TORRES,)
)
Defendant.)

No. CR 06-505 JSW

~~PROPOSED~~ ORDER AND STIPULATION
(1) EXCLUDING TIME FROM
SEPTEMBER 21, 2006 TO FEBRUARY 1,
2007 FROM THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. § 3161(h)(8)(A)
& (h)(1)(I))

The parties appeared before the Honorable Jeffrey S. White on September 21, 2006,
October 26, 2006, and January 4, 2007.

With the agreement of counsel for both parties, the Court found and held as follows:

1. At each appearance, the parties agreed to an exclusion of time under the Speedy Trial Act, in light of the need for (1) the Defendant to meet with advisory counsel, who was appointed on September 26, 2006 but who was in trial on another case for several months; (2) the Defendant to meet again with his counsel, AFPD Steven Kalar, who will be out of the District for part of January 2007. Failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the need for further discussions with the Defendant and Defendant's counsel's travel schedule, and would

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1 deny the Defendant continuity of counsel.

2 2. Given these circumstances, the Court found that the ends of justice served by excluding
3 the period from September 21, 2006 to February 1, 2007 outweigh the best interest of the public
4 and the defendant in a speedy trial. Id. § 3161(h)(8)(A).

5 3. Accordingly, and with the consent of the defendant, the Court ordered that the period from
6 August 17, 2006 to September 21, 2006 be excluded from Speedy Trial Act calculations under 18
7 U.S.C. § 3161(h)(8)(A) & (B)(iv).

8 4. In addition, as the proposed plea agreement has been under submission to the Court since
9 August 10, 2006, the time is excludable on that basis as well. 18 U.S.C. § 3161(h)(1)(I).

10 IT IS SO STIPULATED.

11
12 DATED: January 5, 2007

/s/

TRACIE L. BROWN
Assistant United States Attorney


13
14
15 DATED: January 5, 2007

/s/

STEVEN KALAR
Attorney for Antonio Melendez-Torres

16
17 IT IS SO ORDERED.

18
19 DATED: January 5, 2007



THE HON. JEFFREY S. WHITE
United States District Judge